

REMARKS

The Office Action of November 30, 2004, and the prior art cited and relied upon therein have been carefully studied. The claims in the application remain as claims 1-6, and these claims define novel and unobvious subject matter warranting their allowance. Accordingly, the applicants respectfully request favorable reconsideration and allowance.

Acknowledgement by the PTO of the receipt of applicants' papers filed under §119 is noted.

Claims 2-4 have been rejected under the second paragraph of §112. The rejection is respectfully traversed.

The examiner is thanked for pointing out the clerical inconsistency between main claim 1 and dependent claims 2-4. This inconsistency has been corrected in the amendment present above.

Nevertheless, applicants believe the claims as originally drafted, particularly considered in light of applicants' specification (consistent with the law), would have been fully understandable to those skilled in the art, and therefore fully in accordance with §112. At **worst**, the inconsistency in question might be considered objectionable, but only as to **form**, requiring no substantial amendment relating to patentability.

Consequently, the amendments presented above are of a formal nature only, i.e. made to place the claims in improved form. The amendments are not "narrowing" amendments because the scope of the claims has not changed at all, and certainly not reduced. No limitations have been added and none are intended; the meaning of the claims remains the same.

Applicants respectfully request withdrawal of the rejection.

Claims 1 and 3-6 have been rejected under §102 as anticipated by Falls et al USP 5,991,771 (Falls). Claims 1-3, 5 and 6 have been rejected under §102 as anticipated by Birkler et al USP 6,516,314 (Birkler). These rejections are respectfully traversed.

The present invention relates to a method of data mirroring restoration, whereby the prevailing values of dynamic attributes of the master volume of data are stored in temporary storage at the server, and the prevailing values of static attributes of the master volume of data are stored in persistent storage at the server. As described at page 3, lines 1-17 of the present application, "The present invention is based on the notion that by classifying the attributes stored in a server's master volume of data into two different types, thereby enabling different uploading strategies, data mirroring restoration can be expedited without the downside of

excessive storage requirements, excessive computational loads, and the like. The present invention is particularly suitable for data mirroring restoration in telecommunication network management systems since they typically include thousands of data objects, and many thousands of attributes". In addition, "the master volume dynamic attribute whose prevailing values in the master volume of data are respectively updated and not updated as a consequence of a command from a client" (page 2, lines 12-14).

In contradistinction, neither Falls nor Birkler have such a distinction between the two types of attributes. In Falls (column 15, lines 30-24), it is clearly stated that "A process of the consistency processor 76... either periodically or on demand requests the transaction logger 88 to force write **all pending transactions** (emphasis added) to the log and [eventually] to the target database".

Furthermore, it is respectfully submitted that contrary to the statement in the rejection, the paragraph mentioned (column 15, lines 49-54) does not differentiate between dynamic attributes and static attributes, nor does it teach storing these different attributes at different locations. The PTID to which the examiner refers as "dynamic attributes" is simply a "processor transaction identifier" which is related to a group of updates associated with a

single transaction (see column 14, lines 47-50), and the paragraph on which the examiner relies as the basis for the rejection merely discloses that if the various identifiers are not properly received (e.g. an identifier missing), then the updates associated with that identifier would be sent to whichever processors need those updates.

Similarly, the statement in the rejection in connection with the so-called dynamic attributes disclosed in Birkler is equally wrong, as the rejection refers to the change counter as comprising the dynamic attributes. Although the present invention also makes use of the synchronization counters in order to carry out the present invention, these are not the dynamic attributes as was presumably understood by the examiner. At best, they could be considered as parameters associated with the data to which the examiner relates as static attributes, namely the updates (in case of Falls) or the data stored in the second database (in case of Birkler).

As neither reference discloses all of the features called for in applicants' claim 1, let alone the dependent claims, it follows that the two references relied upon do not anticipate any of applicants' claims. Thus, applicants claims are novel and the rejections based on §102 should be withdrawn. Such is respectfully requested.

No rejections have been imposed under §103 based on either reference alone. Applicants agree that none of applicants' claims would have been obvious from a consideration of either Falls or Birkler. In this regard, applicants again respectfully note that the main feature of the present invention, as discussed above in reply to the rejections based on §102, has not been described by either of the cited references. Moreover, there is nothing in the cited prior art which would have led the person of ordinary skill in the art to somehow modify either of these references to bring such references to the claimed subject matter.

Claim 2 has been rejected under §103 as obvious from Falls in view of Birkler, and claim 4 has been rejected as obvious under §103 from Birkler in view of Falls. These rejections are respectfully traversed.

Notwithstanding what appears in the dependent portions of claims 2 and 4, it is of course fundamental that both claims 2 and 4 incorporate the subject matter of claim 1 from which they depend. Because the main feature of the present invention as discussed above has not been described or suggested by either of the applied references, it follows that no combination of these two citations (even if such combination were obvious) would meet claim 1, let alone claims 2 and 4.

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• Amd. dated February 22, 2005
• Reply to Office Action of November 30, 2004
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Accordingly, withdrawal of the rejections based on §103 is in order and is respectfully requested.

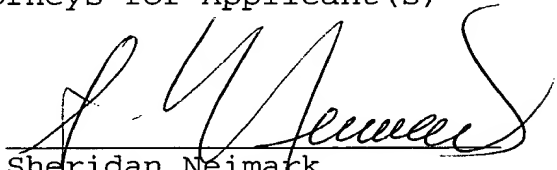
The prior art documents made of record and not relied upon have been noted, along with the implication that such documents are deemed by the PTO to be insufficiently pertinent to warrant their application against any of applicants' claims.

Applicants believe that all issues have been addressed above and resolved in favor of patentability. Accordingly, applicants respectfully requests favorable reconsideration and allowance.

Respectfully submitted,

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